

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☐ SUPERSEDING

Name of District Court, and Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

OFFENSE CHARGED

Title 15, United States Code, Section 1 (Price Fixing)

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment.

DEFENDANT - U.S.

HOMY HONG-MING HSU

DISTRICT COURT NUMBER

CR 11 0488

DEFENDANT

SI

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
 If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☒ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year
 07/12/2011

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of.

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda L. Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Jacklin Chou Lem, Antitrust Div

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

PENALTY SHEET

Individual: Homy Hong-Ming Hsu

Maximum Penalties:

1. A fine in an amount equal to the largest of:
 - A. \$1,000,000.00.
 - B. Twice the gross pecuniary gain derived from the crime.
 - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term of imprisonment for ten years.
3. A term of supervised release of at least two years but not more than three years.
4. \$100 special assessment.
5. Restitution.

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E-filing

FILED
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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 Attorneys for the United States

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA

CR No. 11 0488

SI

13
14 v.

INDICTMENT

15 HOMY HONG-MING HSU,

VIOLATION:
Title 15, United States Code,
Section 1 (Price Fixing)

16
17 Defendant.

San Francisco Venue

18
19 The Grand Jury charges:

20 I.

21 DESCRIPTION OF THE OFFENSE

22 1. HOMY HONG-MING HSU ("defendant") is made a defendant on the charge
23 stated below:

24 2. From in or about November 2001 until in or about September 2008, the
25 defendant and coconspirators entered into and engaged in a combination and conspiracy in the
26 United States and elsewhere to suppress and eliminate competition by fixing the prices of
27 aftermarket auto lights. The combination and conspiracy engaged in by the defendant and his
28 coconspirators was an unreasonable restraint of interstate and foreign trade and commerce in

1 violation of Section 1 of the Sherman Act (15 U.S.C. § 1). The defendant knowingly joined
2 and participated in the charged conspiracy from as early as November 2001 until in or about
3 September 2008.

4 3. The charged combination and conspiracy consisted of a continuing agreement,
5 understanding, and concert of action among the defendant and coconspirators, the substantial
6 terms of which were to agree to fix the prices of aftermarket auto lights.

7 4. For the purpose of forming and carrying out the charged combination and
8 conspiracy, the defendant and coconspirators did those things that they combined and
9 conspired to do, including, among other things:

- 10 (a) participated in meetings, conversations, and communications in
11 Taiwan, the United States, and elsewhere to discuss the prices of
12 aftermarket auto lights;
- 13 (b) agreed, during those meetings, conversations, and communications, to
14 charge prices of aftermarket auto lights at certain predetermined levels;
- 15 (c) issued price announcements and price lists in accordance with the
16 agreements reached;
- 17 (d) collected and exchanged information on prices and sales of aftermarket
18 auto lights for the purpose of monitoring and enforcing adherence to the
19 agreed-upon prices;
- 20 (e) authorized, ordered, and consented to the participation of subordinate
21 employees in the conspiracy; and
- 22 (f) took steps to conceal the conspiracy and conspiratorial contacts,
23 conversations, and communications through various means.

24 II.

25 DEFENDANTS AND COCONSPIRATORS

26 5. During the time period covered by this Indictment, defendant HOMY HONG-
27 MING HSU was Vice Chairman of Company A, an entity organized and existing under the
28 laws of Taiwan. During the time period covered by this Indictment, Company A was a

1 manufacturer of aftermarket auto lights sold in the United States and elsewhere.

2 6. Various corporations and individuals, not made defendants in this Indictment,
3 participated as coconspirators in the offense charged in this Indictment and performed acts and
4 made statements in furtherance of it.

5 7. Whenever in this Indictment reference is made to any act, deed, or transaction
6 of any corporation, the allegation means that the corporation engaged in the act, deed, or
7 transaction by or through its officers, directors, employees, agents, or other representatives
8 while they were actively engaged in the management, direction, control, or transaction of its
9 business or affairs.

10 III.

11 TRADE AND COMMERCE

12 8. Aftermarket auto lights are lights incorporated into an automobile after its
13 original sale, usually as repairs following a collision, but also as accessories and upgrades.
14 Lighting components include items such as headlights, taillights, fog lights, turn signals, brake
15 signals, and reflectors.

16 9. During the period covered by this Indictment, Company A and coconspirators
17 sold and distributed aftermarket auto lights in a continuous and uninterrupted flow of
18 interstate and foreign trade and commerce to customers located in states or countries other
19 than the states or countries in which Company A and coconspirators produced aftermarket
20 auto lights.

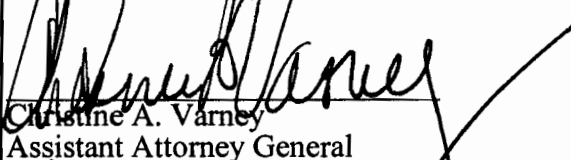
21 10. During the period covered by this Indictment, the business activities of the
22 defendant and coconspirators that are the subject of this Indictment were within the flow of,
23 and substantially affected, interstate and foreign trade and commerce.

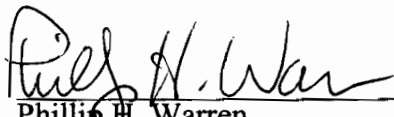
24 IV.

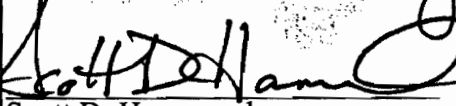
25 JURISDICTION AND VENUE

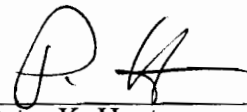
26 11. The combination and conspiracy charged in this Indictment was carried out, in
27 part, in the Northern District of California, within the five years preceding the filing of this
28 Indictment.

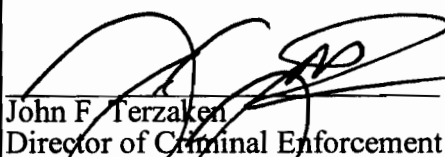
1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.


2 
3 Christine A. Varney
4 Assistant Attorney General


Phillip H. Warren
Chief, San Francisco Office

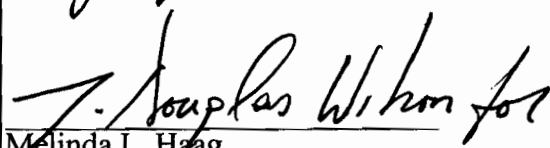
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12
13 United States Department of Justice
14 Antitrust Division

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16 Dated:
17 July 19, 2011
18
19 
20 Melinda L. Haag
21 United States Attorney
22 Northern District of California

A True Bill

Inspector